(Spl.-H.C.A.S.C.D., 78-e)

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI, GOA.
APPELLATE SIDE

DISTRICT:

MISCELLANEOUS CIVIL APPLICATION NO. 940 OF 2004
IN FIRST APPEAL NO. 80 OF 1999

Office Notes, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. E. Afonso, advocate for the applicants.

Mr. Shivam Dessai, advocate for the respondent.

CORAM : A. P. LAVANDE, J.

DATE : 13th January, 2005.

P.C.

Heard Mr. Afonso, learned counsel for the applicants-appellants and Mr. Shivam Dessai, learned counsel for the respondent. By this application, the applicants seek restoration of

First Appeal No.80/1999 which was dismissed in default on 2nd December, 2004. The learned counsel appearing for the respondent has no objection if the First Appeal No.80/99 is restored to file. I also find that this is a fit case in which the appeal deserves to be restored.

Accordingly the application is allowed. First Appeal No.80/1999 is restored to file.

Mr. Shivam Dessai, submitted that the respondent is 85 years old and as such the Appeal be heard expeditiously. In my view considering the age of the respondent, the First Appeal has to be taken up on priority basis.

Accordingly, the Appeal is fixed for hearing in the week

beginning from 27th January, 2005.

A.P. LAVANDE, J.

mc.